

Memorandum

To: Members, Planning and Zoning Commission
From: Cindy Tyminski, AICP
Date: March 5, 2020
Re: 201 Main Street, Coastal Site Plan/Special Permit #19-066,
Modification #2 of Coastal Site Plan/Special Permit #17-033.

Statutory Time Lines

Application Submission Date: 1/29/2020

Application Receipt Date: 2/6/2020

65 Days from Date of Receipt (when public hearing must open):

Public Hearing Opened (scheduled to open):

35 Days from Public Hearing Commencing (when hearing must close):

65 Days from Close of Public Hearing (when decision required):

Modifications. This Applicant has submitted a request for a second modification of the previous approval of Coastal Site Plan/Special Permit #17-033. The first modification included a retroactive approval for demolishing the historic Building "A" and they required and receive approvals by the Commission and the ZBA for new construction of this building. The applicant first submitted this to be heard at a work session on 1/23/2020 and the Commission requested that a full application (Coastal Site Plan and Special Permit) be submitted.

This Proposal. The applicant is now here before the Commission with the same proposal as was reviewed by the Zoning Board of Appeals:

1. Modify Basement to provide a full corridor with to access utility services with headroom that is greater than 5-feet in height, which will contribute to floor area and FAR. Increasing the Basement area by 270 SF. The remaining area is to be converted back to crawl space as was approved.
2. Installation of a 10-foot high sound attenuating fence along the southern property line in between the heat pumps (that were approved as A/C units) and the property line.
3. Installation of 6-8 foot high arborvitae hedge between the fence and the southern property line.
4. Installation of a border constructed of cobbles to address the slight grade difference at the southern property line.

Basement constructed instead of Crawl Space. During the reconstruction of historic Building "A" (modification #1) that was approved in January 2019 by both the Zoning Board of Appeals and the Planning and Zoning Commission, the applicant constructed a Basement (full headroom) instead of a Crawl Space (max. 5-foot headroom) as approved. The issue arises in that a full Basement instead of a Crawl Space increases the Floor Area of a Building (building size), Floor Area Ratio (FAR) and sometimes the number of stories. The project is already non-conforming in respect to Floor Area and Floor Area Ratio (FAR).

ZBA #7466. On October 29, 2019, an application to the ZBA was heard for additional floor area that was constructed as a Lobby and Basement (instead of a crawl space) and to install heat pumps instead of air conditioning condensers within the setbacks. This application was **Denied in Part & Granted in Part**. The Board **denied** the retroactive variances for Total Floor Area and Floor Area Ratio to construct a lobby entry addition and for the conversion of the previously approved Crawl Space to a Basement for mechanicals and storage. The 16 stacked heat pumps along the southern property line were **approved** where a single row of air-conditioning units had been previously approved. The ZBA noted that air-conditioning units run a few months a year and heat pumps run year round. The Zoning Board of Appeals approved the application for setbacks to install 16 heat pumps with the following conditions:

1. The applicant shall install a sound-attenuating fence between installed between the heating and cooling units and the property line and shall extend beyond the building openings.
2. The applicant shall submit to staff the specifications (cut sheets) for the attenuating fencing and the heating and cooling units prior to the issuance of a zoning permit.
3. The applicant shall install a landscape screen between the attenuating fence and the property line, which shall consist of a row of 6-8 foot high evergreen plants which transverse the length of these units.

This approval did not resolve the issue that the applicant had already constructed a full Basement. In addition, the applicant had not followed the approved plans when installing and locating the utilities in the basement such as electric, water lines, fire suppression and alarm systems and cable.

ZBA #7762. On January 7, 2020, another application to the ZBA was heard to construct a 10' high sound attenuation fence in the setbacks and to modify the existing unapproved Basement into corridors, with the remaining area being converted back to Crawl Space. The purpose of the full height corridors was to provide access the utilities. On a site visit by staff, the fire sprinkler system, which needs to be checked by the Fire Marshal, is in the furthest corner close to Main Street. With the location of the utilities as constructed and without a corridor, the Fire Marshal would have difficulty getting to this area to inspect. This was the case for most of the utilities.

The applicant was granted the following variances (#7762):

1. Floor area ratio greater than .5 (§32-12)
2. Building Size greater than 2,500 SF (§23-8)
3. Setbacks (§23-8) (for fence)
4. Expansion of a non-conforming building (§6.2.1)

The application was granted with the following conditions:

1. The applicant shall install a sound attenuating fence that is 10' high.
2. Belgium block shall be installed as a retaining curb between the adjacent property.
3. 6-8 foot high, Arborvitae shall be installed between the fence and southern property line.

Departmental Comments:

1. Conservation Commission: No stockpiling of materials. Will direct load material and take off site. 2/3/2020.
2. Engineering: No issues found. 3/4/2020
3. Fire Marshal: The corridors will provide the require acceslibty to the building's sprinkler control valves and the alarm and is therefore approved by this office. The applicant's installation of a metal (non-combustible) screening fence over HVAC mechanicals is not addressed by the fire code. Further clarifying discussion with the Fire Marshal indicated that a combustible fence in this location would not be permitted.

Staff Recommendations if APPROVED:

1. The Commission should find this modification is consistent with the Coastal Area Management (CAM) Act, as they had done so previously.
2. The conditions and findings of Resolution 17-033 should be incorporated into the approval.
3. The applicant shall be required to file a new Zoning Permit for these modifications.
4. The condition of the ZBA approval should be incorporated:
 - a. The sound attenuation fence as required by the ZBA approval shall be constructed of metal or other non-combustible material as required by the Fire Marshal.
 - b. Belgium block shall be installed as a retaining curb between the adjacent property.
 - c. 6-8 foot high, Arborvitae shall be installed between the fence and southern property line.

Attached to this report:

Cover Letter from Mel Barr, 201 Main Street Chronology, dated 1/24/2020
Site Development Plan of 201 Main Street, prepared by B&B Engineering, dated 1/3/17, last revised 1/7/2020.
"Cellar Plan" of 201 Main Street prepared by Robert Storm Architects, dated 12/17/2019.
Fence Detail with Planting, dated 12/17/2019
Conservation Staff approval dated 2/3/2020
Fire Marshal Comments dated 2/4/2020
DPW-Engineering Review dated 3/4/2020
ZBA Resolution #7746, 10/29/2019 201 Main Street
ZBA Resolution #7762, 1/7/2020, 201 Main street
Resolution 17-033 with modification 01/17/2019.

Background History:

Original Approval. The Commission approved Coastal Site Plan #17-033 on **September 14, 2017** to:

1. Demolish Building B;
2. Renovate of Building C (red house circa 1920 on the Saugatuck) to include two dwelling units;
3. Add to Building A, maintaining the historic front and side facades of the building (circa 1850) to provide twelve (12) dwellings, three (3) of which will be deed restricted affordable units; and
4. Reducing the retail tenant in Building A to 874 SF.

Zoning Permit. The applicant received zoning permits on **February 12, 2018** and began the work.

Zoning Permit Revoked. On or around **July 16, 2018**, the neighbor to this building noticed that the north and south walls of Building "A" (the historic building circa 1850 that fronts on Main Street) was buckling outward after the rear (east wall) of the building had been removed. The architect of record was consulted at this time and additional shoring was put in place. Eventually the contractor made the determination that the shoring had failed and the only remedy left to him was to demolish the entire structure.

No demolition permit for Building "A" was issued or sought from the Building Department by the contractor. Furthermore, for weeks after Building "A" had been demolished, the contractor continued to rebuild without informing the Planning and Zoning Department of this demolition and resulting modification to their approvals. The Zoning Officer revoked the Zoning Permit on **December 7, 2018** and a stop work order was ultimately issued by the Building Department.

Limited Zoning Permit. A Zoning Permit limited in scope with the intention of allowing the

applicant to make the building weather tight was issued for Building "A" on **December 19, 2018**.

Roofline issue. When the applicant submitted plans for this review dated **December 19, 2018**, it became apparent that the rooflines and height on Building A were different from the plans that both the Planning & Zoning Commission and the Zoning Board of Appeals had approved. The height to the ridge is about 3 feet higher than what was approved; however, the applicant states that there was a drafting error that occurred on the plans that were reviewed by the Zoning Board of Appeals and the Planning and Zoning Commission at the time of approval.

Zoning Board of Appeals, Modification #1, 2019. The Zoning Board of Appeals heard this matter at their **January 15, 2019** meeting and granted the variances necessary to allow new construct a replica of Building A in its original location. In addition, the Board accepted the elevation plans that showed Building A with corrected rooflines.

Commission Work Session Review, Modification #1, 2019. The Commission then reviewed this same application as a work session item on **January 17, 2019** meeting. The Commission noted Condition #8; page 5 of the 2017 resolution letter that explains the reason the work session item is here before you tonight which states:

"This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission."

Revised Resolution letter, Modification #1, 2019. The Commission revised their resolution letter at the January 2019 meeting and this letter has been attached. Subsequently a new Zoning Permit was issued.

Undersized Trees. The applicant planted undersized trees on site and immediately complied with the appropriate size by the time it was heard by the Zoning Board of Appeals in October 2020.



*Land Use Planning
Development Coordination
Regulatory Process Management*

Barr Associates LLC

Planning and Development Consultant

January 24, 2020

Mary Young
Planning & Zoning Director
110 Myrtle Avenue
Westport, CT 06880

Re: Statement of Use
2nd Modification Request
Special Permit #17-033, as revised to 1/17/19
201 Main Street

RECEIVED
JAN 28 2020
WESTPORT P. & Z. C.

Dear Mary:

The property has been approved and constructed for 12 dwelling units and 1 commercial space in the main building and 2 dwelling units in the rear building.

The Applicant hereby requests a 2nd modification of S.P. #17-033 (as revised 1/17/19) at the P&Z Commission's next available hearing date, hopefully February 13, 2020.

This modification is for further public safety improvements to provide a corridor area through the crawl space to access required utility services and to install a 10 foot high fence in the side yard for screening and noise attenuation of the mechanical units.

Both the lower level Cellar Floor Plan and the Site Development Plan have been revised to show these modifications, which only change the plan revision dates in Conditions #2 and #3 of the Resolution.

The ZBA granted Variance # 7762 for these modifications on Tuesday, January 7, 2020.

The Commission's review and approval of these desirable public safety improvements is requested.

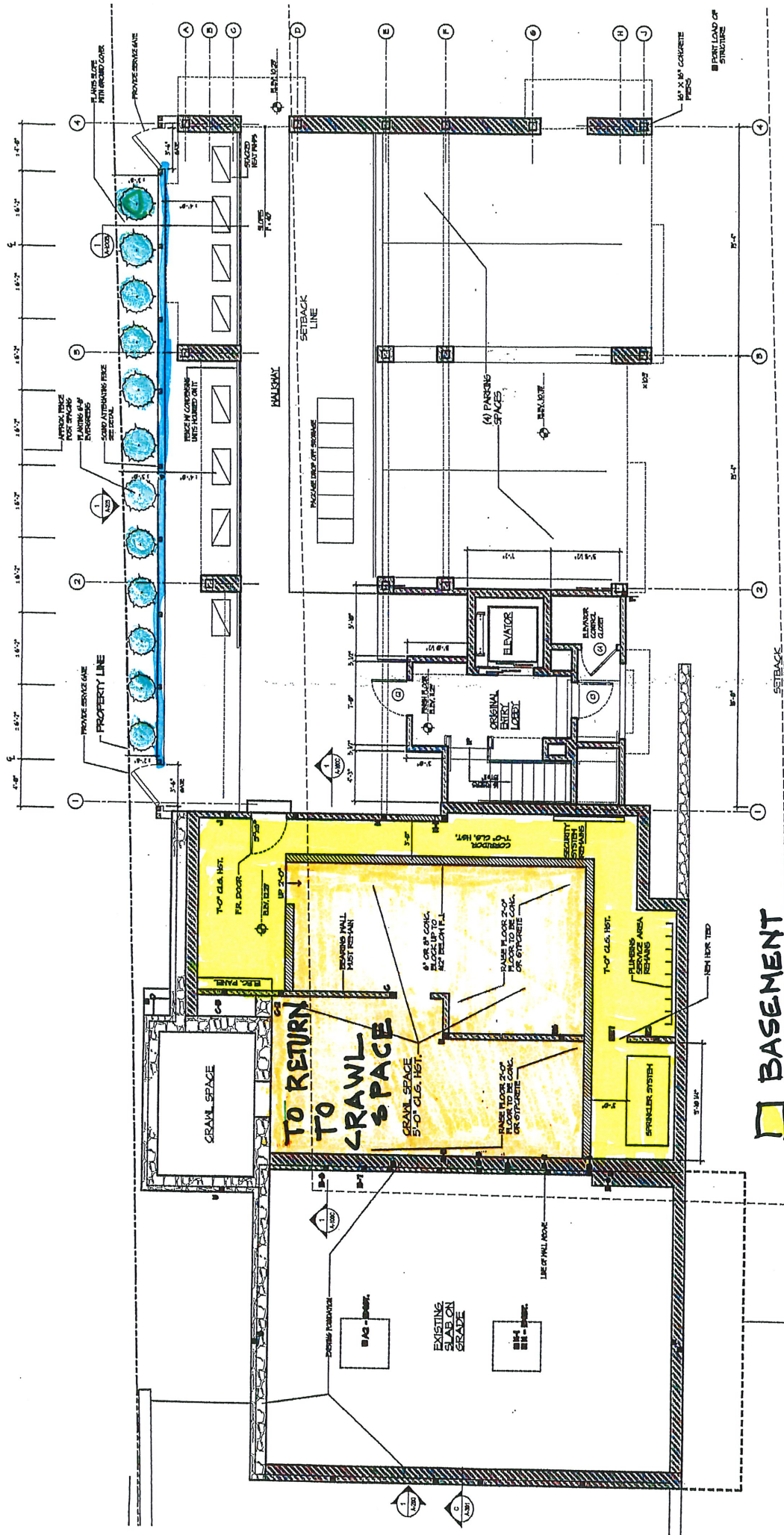
Very truly yours,

Melvin H. Barr, Jr., President

Attachments: 1) S.P. Resolution, as revised 1/17/19
2) ZBA Variance #7762, 1/7/20

cc: Peter Nisenson
Sam Gault
Bob Storm
Bryan Nesteriak

25 Sylvan Road South, Suite P, Westport, CT 06880
OFFICE PHONE (203) 454-9933 – CELL (203) 984-3015
Email: barrplan@earthlink.net



**BASEMENT
CORRIDOR
TO UTILITIES**

CRAWL SPACE

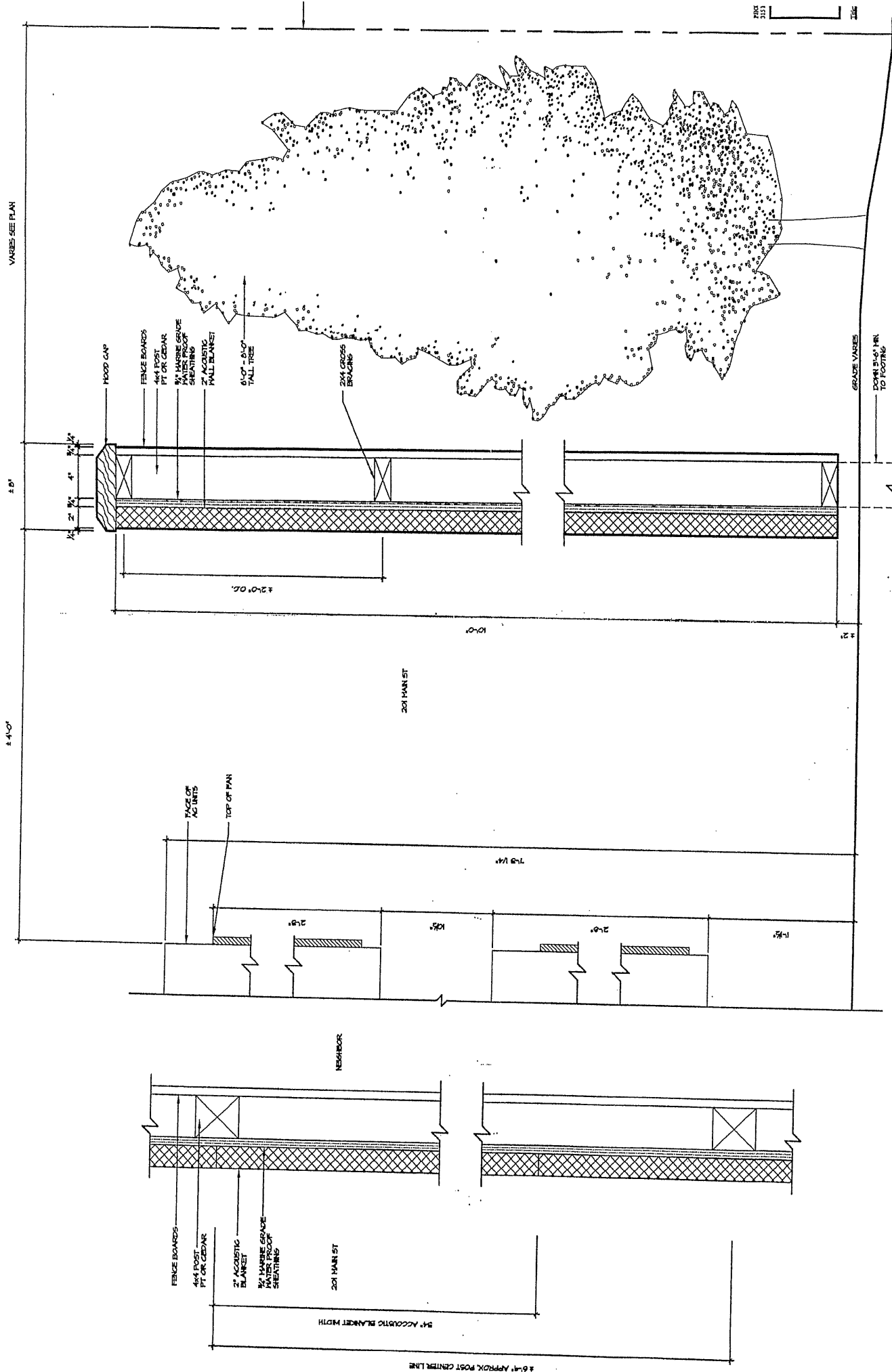
FENCE w/ Sound Attenuation

6'-8" ARBORVITAE

FINISHED AREA	ORIGINAL SUBMISSION	PROPOSED	TOTAL
UTILITIES	160 S.F.	0 S.F.	160 S.F.
	80 S.F.	270 S.F.	350 S.F.
	240 S.F.	270 S.F.	510 S.F.

1 CELLAR FLOOR PLAN

DATE: 10/1/11
BY: J. B. BROWN
CHECKED: J. B. BROWN
APPROVED: J. B. BROWN



FENCE SECTION

FENCE PLAN VIEW



TOWN OF WESTPORT
CONSERVATION DEPARTMENT

TOWN HALL - 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

FOR OFFICE USE ONLY

Permit # WPL-10398-17
Permit Date: June 21, 2017
Amend Date: October 2/3/20
Date Rec'd: N/A
Fee: \$100.00

RECEIVED

FEB 04 2020
WESTPORT P. & Z. C.

AMENDMENT TO CONSERVATION APPROVAL
IWW AND WPLO REGULATIONS

PROJECT LOCATION: 201 Main Street
ASSESSOR'S MAP #: C10 TAX LOT #: 91,92,93 WETLAND MAP #: C10

APPROVED ORIGINAL PROJECT DESCRIPTION/PURPOSE: Consolidate 3 lots; ~~relocate~~ demolish and remove the building in the middle of the parcel, extend and renovate the building nearest to Main St; and, lift and renovate the rear most building on the lot to conform to FEMA requirements.

DESCRIPTION OF PROPOSED AMENDMENT: To legalize expansion of cellar for utilities and storage, extension of lobby area under the 1st floor and modification of the a/c unit configuration.

This approval is valid for five (5) years from the date that it is signed by the Conservation Director or until the issuance of a Conservation Certificate of Compliance, and is subject to the following data/plan(s), conditions, modifications and stipulations:

1. "Site Development Plan of 201 Main Street Westport, Connecticut prepared for Pen Building Company, 46 1st Rd East, Westport, CT" Sheet 11-01 prepared by B+B Engineering dated 1/3/2017 revised to 9/19/2019 11/7/20 (CK) Original Cellar Floor Plan (CK)
2. Architectural plans entitled, "~~Cellar Floor Plan Utility Layout of Lockers~~" Sheet A-100. A dated Aug 14, 2019 revised to 9-16-19 by Robert Stern Architects Dated 12/17/19 (CK)
3. Conformance to all other applicable conditions of Conservation Commission Resolution #WPL-10398-17 dated June 21, 2017
4. No Stockpiling of Materials. Will direct load any Excavated Material and take off site. (CK)

I hereby depose and say that all statements contained herein and contained in all exhibits, documents and plans attached hereto are true and binding.

[Signature]
Signature of Applicant(s)

Date: 10-25-19

FOR OFFICE USE ONLY:

Reviewed by: _____ Date: _____

Verified by: Alicia Morgan Date: 10/25/19

Updated: [Signature]

2/3/20

Attach to original Conservation Approval



DEPARTMENT OF FIRE SERVICES
Fire Marshals Office (203) 341-5020
Fax (203) 341-5009
Nathaniel Gibbons, Fire Marshal

February 4, 2020

Michelle Perillie, AICP/CFM
Westport Planning & Zoning
110 Myrtle Ave.
Westport CT 06880

RECEIVED
FEB 04 2020
WESTPORT P. & Z. C.

Subject: 201 Main Street: Special Permit #19-067

This office has received and reviewed the application materials and drawings regarding a revised crawl space with utility access corridors and additional exterior screening of HVAC mechanicals and has the following comments:

Codes Applied: CSFSC 2018 with Connecticut Amends

- 1) 9.7.1.1 Requires sprinkler installations be in accordance with NFPA 13 (2013)
- 2) NFPA 13 (2013) 8.16.1.1.7 requires that all control valves be accessible and free from obstructions.

The applicant's proposed corridors in the crawl space will provide the required accessibility to the building's fire sprinkler control valves and fire alarm, control panel and therefore is approved by this office.

The applicant's installation of a metal (non-combustible) screening fence over HVAC mechanicals is not addressed by the fire code. This office has no opinion on that portion of the application.

Respectfully,

Nathaniel Gibbons
Fire Marshal



WESTPORT, CONNECTICUT

DEPARTMENT OF PUBLIC WORKS

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120

MEMORANDUM

Date: 03/04/2020

To: Planning & Zoning Commission

From: Edward Gill, Engineer II

Re: 201 Main Street, Special Permit/Coastal Site Plan Appl. #19-067

Reference Materials Reviewed:

- Town of Westport Site Plan / Special Permit Application dated 01/28/2020.
- Town of Westport Coastal Site Plan Review Application dated 11/13/2019.
- Plan prepared by B&B Engineering entitled "Site Development Plan of 201 Main Street, Westport, Connecticut, Prepared for Pen Building Company, 46 Post Road East, Westport, Connecticut 06880," dated 01/03/2017 as revised to 01/07/2020.
- Architectural plans prepared by Robert Storm Architects, two page set, dated 12/19/2018 as revised to 12/17/2019.

Dear Planning & Zoning Commission:

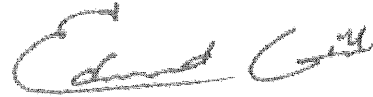
Our office has reviewed the proposed activity as depicted by the above referenced documents. Based on these criteria, we offer the following comments:

1. **Project Description.** The applicant is proposing to modify the plans approved under Coastal Site Plan/Special Permit #17-033. The modifications include increasing the size of a cellar, installation of a fence, planting of arborvitaes, and the installation of cobbles to address a slight grade difference.
2. **Zoning Board of Appeals (ZBA).** The modifications to this project were approved by ZBA at the 01/07/2020 meeting.
3. **Flood & Erosion Control Board (FECB).** FECB approved these modifications to WPL-10398-17 on 02/03/2020.
4. **Drainage.** The modifications do not impact the original stormwater design.
5. **Grading.** The modifications do not affect compliance with Town of Westport Zoning Regulations, Sec. 32-8: Excavation and Filling of Land.
6. **Flood Zones & FEMA.** The parcel lies within Flood Zone AE (El. 10) and Zone X. All proposed work in Zone AE (El. 10) shall comply with FEMA requirements. The plans indicate that the modifications do not impact the cellar with respect to FEMA requirements.

Per this review, the application is substantially complete and requires no further submissions. While the granting of this approval is at the discretion of the Commission, we find no issues in our review that would preclude such action.

Please contact me should you have any questions regarding the above items.

Thank you,

A handwritten signature in dark ink, appearing to read "Edward Gill". The signature is fluid and cursive, with a large initial "E" and a stylized "G".

Edward Gill,
Engineering Department

Barr Recd 10/31/19

RECEIVED

JAN 28 2020

WESTPORT P. & Z. C.

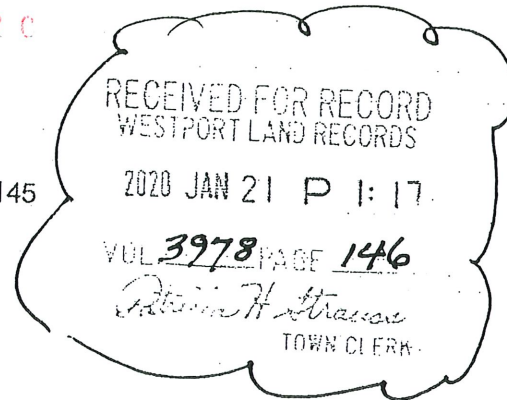


Town of Westport

Zoning Board of Appeals

Town Hall, 110 Myrtle Avenue
Westport, CT 06880

Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov



October 31, 2019

Mel Barr, Barr Associates, LLC
25 Sylvan Road South, Suite P
Westport, CT 06880

RE: ZBA CASE #7746

ADDRESS: 201 Main Street

OWNER OF PROPERTY: Belden Place, LLC

Dear Mr. Barr:

This is to certify that at the work session of the Zoning Board of Appeals held on October 29, 2019, the Board voted 5 – 0 (Ezzes, Wong, Deverin, Hood, Newman) in favor to **GRANT IN PART/DENY IN PART** your request for a variance and the following resolution was adopted:

RESOLVED: The application of Mel Barr, Barr Associates, LLC for property owned by Belden Place, LLC, located in Restrictive Business District, PID#C10091000. The following variances were **DENIED**: Floor Area, Floor Area Ratio (FAR), Setbacks, and non-conforming building expansion to construct a lobby entry addition within the building footprint and for conversion of previously approved Crawl Space to a Cellar for mechanicals and storage.

The Zoning Board of Appeals found that no unusual hardship was proven for these variances.

The following variance was **GRANTED** and found to be consistent with the Costal Area Management (CAM) Act: Setbacks to install 16 heating and cooling units in a new configuration.

The Zoning Board of Appeals found the following unusual hardship for these heating and cooling units from the application of the regulations to the subject property:

- Safety

The setback variance for the reconfiguration of the heating and cooling equipment has been **GRANTED** in accordance with the plans submitted with the application: Improvement Location Survey dated August 7, 2019 prepared by Land Surveying Services, LLC. Said plans were stamped "APPROVED" by the Zoning Board of Appeals on October 29, 2019 with the following conditions:

- The applicant shall install sound attenuating fence in front of the heat pump units, to extend beyond the opening and shall provide to staff the specifications (cut sheets) of this attenuating fence and the heating and cooling units prior to the issuance of a zoning permit.
- Between the attenuating fence and the property line, the applicant shall provide additional landscaped screening, which shall consist of a row of 6-8 foot evergreens.

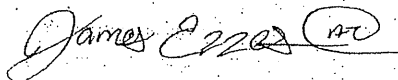
Effective Date: Contingent upon the applicant filing this resolution with the Town Clerk

Prior to the issuance of a zoning permit:

- **This variance shall be filed with the Town Clerk**
- **A site plan shall be submitted that accurately depicts the location of the heating and cooling units and the location of the attenuating fence and planted screen.**

Subsequent to recording the variance with the Town Clerk, you will need to obtain a Zoning Permit. You may also require a Building Permit, and you should contact the Building Department at 203-341-5025 for further information.

Yours Truly,

A handwritten signature in cursive script, appearing to read "James Ezzes", followed by a small circular stamp containing the letters "AT".

James Ezzes, Chairman
Zoning Board of Appeals

JE/AT

Certified Mail: RRR

enc.



Town of Westport
Zoning Board of Appeals
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

RECEIVED
JAN 28 2020

RECEIVED FOR RECORD
WESTPORT LAND RECORDS

2020 JAN 21 P 1:13

VOL 3970 PAGE 144

Patricia H. Strauss
TOWN CLERK

January 16, 2020

Mel Barr
Barr Associates, LLC
25 Sylvan Road South, Suite P.
Westport, CT 06880

RE: ZBA CASE # 7762
ADDRESS: 201 MAIN STREET
OWNER OF PROPERTY: Belden Place, LLC

Dear Mr. Barr,

This is to certify that at the work session of the Zoning Board of Appeals held on January 7, 2020, the Board voted 5-0 {Ezzes, Wong, Wistreich *(for Deverin)*, Newman, Hood} in favor to **GRANT WITH CONDITIONS** your request for variance and the following resolution was adopted:

RESOLVED: The application of Mel Barr, Barr Associates, LLC for the property located at 201 Main Street and owned by Belden Place, LLC for variance of the Zoning Regulations §6-2.1.7 (non-conforming building expansion), §6-2.1 (building size), and §23-8, §32-12.7.2.1 (floor area ratio) to modify crawl space into a cellar to provide a corridor for utilities and §23-4 (setbacks) to construct a 10 foot high sound attenuating fence, to be consistent with the Costal Area Management (CAM) act, located in RBD zone, PID#C10091000.

The Zoning Board of Appeals found conformance with the CAM act and the following unusual hardship from the application of the regulations to the subject property:

- Public Safety

The above has been GRANTED in accordance with the plans submitted with the application (Site Development Plan of 201 Main Street dated 12/19/2019 by B&B Engineering) and (Original Cellar Floor Plan dated 12/17/2019 by Robert Strom Architects). Said plans are stamped "APPROVED" by the Zoning Board of Appeals on January 7, 2020 with the following conditions:

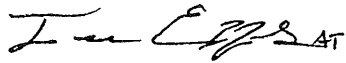
- Installation of sound attenuating 10' high fence.
- Belgium block as a retaining curb between the adjacent property.
- 6-8' arborvitae between the fence and the southern property line.

Effective Date: Contingent upon applicant filing this resolution with the Town Clerk.

Prior to the issuance of a zoning permit this variance must be filed with the Town Clerk.

Subsequent to recording the variance with the Town Clerk, you will need to submit an application for review by the P&Z Commission or their designee and if approved, obtain a Zoning Permit. You may also require a Building Permit, and you should contact the Building Department at 203-341-5025 for further information.

Yours Truly,

A handwritten signature in cursive script, appearing to read "James Ezzes", followed by the initials "AT" in a smaller, more formal script.

James Ezzes, Chairman
Westport Zoning Board of Appeals

JE/AT
Certified Mail: RRR
Enc.

Hearing: July 6, 2017, July 20, 2017

Decision: September 14, 2017

**Revised: At January 17, 2019 P&Z Mtg. to add
Finding #19b, reference new property owner,
modify Conditions #2 and #3, and add Reason #10**

Melvin H. Barr
Barr Associates, LLC
25 Sylvan Road South, Suite P
Westport, CT 06880

RE: 201 Main Street, 7 & 15 Belden Place, Special Permit/Coastal Site Plan Appl. #17-033

Dear Mr. Barr:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on September 14, 2017, it was moved by Ms. Walsh and seconded by Ms. Dobin to adopt the following resolution.

RESOLUTION #17-033

WHEREAS, THE PLANNING AND ZONING COMMISSION met on September 14, 2017, and made the following findings:

Background

1. The subject properties contain structures that are non-conforming as to setbacks and that are historic in nature. All the structures on the property are listed on the Historic Resources Inventory. The oldest of which being the house located on Main Street (Building A), which dates from 1850. The vernacular apartment building structure (Building B) dates from 1920 and the small red Cape (Building C) was constructed in 1930.
2. The site is partially located within the AE 10' of the Special Flood Hazard Zone on the FEMA F.I.R.M. Maps and is located adjacent to the Saugatuck River. About 80% of the site is located in the 100-year flood plain and all three buildings have experienced repeated flood damage over the years according to the applicant. Tidal wetlands along the Saugatuck River frontage effects about 2% of the site and is adjacent to Building C (the Little Red House).
3. The parcels are located in the Restricted Business District (RBD) and have been used for retail and residential uses since their construction in the late 1800's and mid 1900's.
4. The parcels are of the following sizes:
 - A. 201 Main St: 0.161 acres
 - B. 7 Belden Pl.: 0.166 acres
 - C. 15 Belden Pl.: 0.077 acres
 - D. Private Right of Way: 0.131 acres

Proposal

5. The proposal is to consolidate the three parcels and Right of Way for Belden Place into one lot, 0.535 acres in size, and to demolish the building in the center of the area (Building B). The proposal includes construction of an addition to the building adjacent to Main Street (Building A) and to lift and renovate the red house at the rear of the property (Building C). Both buildings are non-conforming as to setbacks. The interior of Building A will be renovated to make it compliant with FEMA regulations and the apartment units that exist in this building will be re-constructed. The addition will allow the construction six (6) 1-bedroom and six (6) 2-bedroom apartments for a total of twelve (12) apartments in the main building.
6. Building A was constructed in 1850 and the majority of this building will be preserved. Demolition includes: The existing concrete entryway and the concrete planter in the front, stairs on the south side of the building, a portion of the building adjacent to the driveway and a section of the rear of the building.
7. The demolition of Building B and sections of Building A adjacent to the driveway will allow the reconfiguration of the driveway, parking lot and fire access to the site.
8. Site drainage will be installed and both parking lot and front landscaping will be provided. There are pervious pavers shown adjacent to the rear cottage to further mitigate storm water impacts.
9. Building C, the "little red house", will be raised to meet FEMA regulations and the interior remodeled to create two (2) 1-bedroom apartments for a total of fourteen (14) apartments on the site.
10. The residential density proposed is 37 bedrooms/acre and 26 units/acre as allowed by Variance #7540.
11. The existing retail space will be retained, but slightly reduced in area from 1,000 SF to 874 SF of floor area per Variance #7540.
12. The Planning and Zoning Commission has determined that all the units are subject to the affordability requirements listed in §32-12 and denies the applicant's request to consider only six (6) dwelling units as new for the purposes of calculating the affordability requirement.
13. Pursuant to §32-12 twenty percent (20%) of the proposed residential units will be deed restricted to be affordable to families making 80% of the State Median Income for a period of 40 years. The number of affordable units will be 20% of 14 or 2.8 units, rounded up to three (3) units to be deed restricted as the affordable component of this application yielding more moratorium points for the Town of Westport.
14. Four parking spaces and an area for bike parking is provided under the building.

Waivers

15. The Planning and Zoning Commission grants the applicant's request for a reduction in parking of 0.5 spaces for the 2-bedroom units. Such reduction changes the overall parking requirement from 32 spaces to 29. The reasoning of the commission members also includes the small size of the units and the compatibility of the retail (day time) and residential (night time) uses.

VOTE:

AYES	-4-	{Walsh, Lebowitz, Dobin, Olefson}
NAYS	-2-	{Stephens, Gratrix}
ABSTENTIONS	-0-	

16. The Planning and Zoning Commission deems a traffic study is unnecessary due to the small scale of the project and the addition of only one additional residential unit to increase the number of residential units from thirteen to fourteen.

VOTE:

AYES	-4-	{Walsh, Lebowitz, Dobin, Olefson}
NAYS	-2-	{Stephens, Gratrix}
ABSTENTIONS	-0-	

17. The Coastal Area regulations contained in §31-10 require public waterfront access for Special Permit uses proposed in non-residential zones that are adjacent to the Saugatuck River. A "vest pocket" park accessible by 5' wide path containing a bench and two light poles is proposed. Variance #7540 allowed 5' wide path rather than required 6' wide path, lack of a Riverwalk and no "extra" waterfront access parking.

18. The Planning and Zoning Commission denies the applicant's request for a waiver of the guidelines of §31-10 for informational signage at the public right of way. A single parking space with designation as public parking for the pocket park is also required.

VOTE:

AYES	-5-	{Walsh, Stephens, Gratrix, Dobin, Olefson}
NAYS	-1-	{Lebowitz}
ABSTENTIONS	-0-	

Prior Approvals

- 19a. Variance #7540 was granted by the Westport Zoning Board of Appeals on May 30, 2017 for the following:

- Less than 15% arterial street frontage;
- Less than 30% of floor area for non-residential uses;
- Residential density of 37 bedrooms/acre; 26 units/acre;

- d. Setbacks for Building A and Building C allowing 6.2' in the front for Building A, 0.6' on the left side of Building A and 2.5' to the rear of Building C;
- e. Building and Total Coverage of 24.8% and 76% respectively;
- f. Maximum Floor Area of 11,554 SF + 80 SF of utility area;
- g. Floor Area Ratio of 0.55; and
- h. Waterfront access requirement for 6' wide path (5' wide path provided), the lack of a Riverwalk and "extra" waterfront access parking.

19b. Variance #7689 was granted by the Westport Zoning Board of Appeals on Jan. 15, 2019 to modify ZBA Case #7540 to permit new construction of Building A in the setbacks and maintain the previously approved variances granted pursuant to Case #7540.

- 20. The Historic District Commission supported the proposal to retain Building C ("the little red house") in its current position, to demolish Building B and to construct an addition to Building A in February 2017.
- 21. The Architectural Review Board approved the proposed design on April 25, 2017.
- 22. The Flood and Erosion Control Board approved the proposal on June 7, 2017.
- 23. The Conservation Commission approved the proposal on June 21, 2017.
- 24. The Fire Department offered comments supporting the proposed plans on July 3, 2017.
- 25. The Police Department offered comments dated June 27, 2017 noting the need for clear lines of site and access for emergency vehicles.
- 26. The Engineering Division of the Department of Public Works found the application substantially complete and noted that the applicant will replace the sidewalk on Main Street and make minor modifications to the driveway apron.
- 27. The subject properties lie within the Coastal Area Management Boundary as defined by C.G.S. §22a-94, and therefore a CAM review is required in accordance with C.G.S., §22a-109 and the *Town of Westport Zoning Regulations*, §31-10. The following coastal resources have been identified as either on site or within influence of the project: Coastal Hazard Areas, Coastal Waters, Developed Shorefront, Tidal Wetlands and Shorelands.
- 28. The Coastal Area Management review dated May 2, 2017 provided during the application for Variance #7540 concluded that the essential elements of the requirement for Public Waterfront Access have been provided and that the proposal is consistent with CAM policies.
- 29. The Planning and Zoning staff review of compliance with the Connecticut Coastal Management Act dated July 12, 2017 indicates the plan substantially complies with the policies of the Act.

NOW THEREFORE, BE IT RESOLVED that 201 Main Street, 7&15 Belden Place Appl. #17-033 by Mel Barr, Barr Associates, LLC for property owned by Estate of Anna Nappa (**now owned by Belden Place, LLC**) for a CAM Special Permit & Site Plan approval for a Two-Family and Multi-Family Dwelling and retail use, for property located in a RBD zone, PID #C10091000, C1009300, C10092000 be **GRANTED** subject to the following:

- 1. Conformance to Existing Conditions Plan of 201 Main Street, Westport, CT, prepared for Pen Building Company, 46 Post Road East, Westport, CT prepared by Bryan Nesteriak of Accurate Land Surveying, LLC, dated 1/3/17.

2. Conformance to Site Plans entitled "Proposed Multi-use Development, 201 Main Street, Westport, CT, prepared by Bryan Nesteriak of B&B Engineering, dated 1/3/17, **revised through 12/17/18 (2 sheets)**.
3. Conformance to Building Plans prepared by Robert Storm Architects prepared for Pen Building Company, 201 Main Street, Westport, CT, **dated 12/19/18 (nine sheets)**.
4. Conformance to Conservation Commission Findings and Resolution dated June 21, 2017.
5. Conformance to Comments from A. Matharu, Engineering Dept. dated 7/6/17.
6. Prior to the issuance of a Zoning Permit the applicant should submit the following:
 - a. Proof of filing the resolution of approval on the land records;
 - b. All necessary permits from the Department of Public Works;
 - c. Final Signoff from DPW Engineering;
 - d. Final Signoff from the Conservation Department;
 - e. Final Signoff from the Town Attorney's Office on all legal documents including the Affordability Plan.
 - f. Proof that the Affordability Plan and Declaration of Restrictions for the Affordable Dwelling Units was recorded on the land records
 - g. A bond estimate and posting of the necessary bond for any site improvements that will be conveyed to or controlled by the town and for the implementation of erosion and sediment controls required during construction activities;
7. Prior to the issuance of the Zoning Certificate of Compliance the applicant shall submit a Certified "As-Built" survey.
8. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
9. All new utilities shall be placed underground.
10. All plantings shown on an approved Planting Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.
11. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by September 14, 2022.
12. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up to the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

The proposed use has been found to be in conformance with the 2007 Plan of Conservation and Development; and it will

1. be in conformance with the applicable zoning regulations of the Town of Westport; and
2. not prevent or inhibit the orderly growth and development of the area; and
3. not have a significant adverse effect on adjacent areas located within the close proximity to the use; and
4. not interfere with pedestrian circulation; and
5. not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation; and
6. not have a significant adverse effect on historical, archeological and/or paleontological sites; and
7. not obstruct significant views which are important elements in maintaining the character of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings; and
8. not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;
9. be in scale with and compatible with surrounding uses, buildings, streets and open spaces; and
10. **Allow Building A to be strengthened and restored to a safe condition.**

VOTE:

AYES	-4-	{Walsh, Lebowitz, Dobin, Olefson}
NAYS	-2-	{Stephens, Gratrix}
ABSTENTIONS	-0-	

Very truly yours,

Catherine Walsh
Chairman, Planning & Zoning Commission

cc: P. Fria, Tax Assessor
A. Mozian, Conservation Director
P. Ratkiewicz, Town Engineer
C. Leahy, HDC Coordinator
Fire Department
Police Department